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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/651,385 08/29/00 DAEBRAL

S 042390.P5258

EXAMINER

MMC2/1108

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DTAZ, T

ART UNIT

PAPER NUMBER

2815

DATE MAILED:

11/08/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/651,385	DABRAL ET AL.
	Examiner	Art Unit
	José R. Diaz	2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 August 2000.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 20-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 20-29 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Priority***

➤ This application lacks the necessary reference to the prior application. A statement reading "This is a divisional of Application No. 09/107,351, filed June 30, 1998, now Pat. 6,137,143." should be entered following the title of the invention or as the first sentence of the specification.

### ***Claim Rejections - 35 USC § 112***

➤ The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

➤ Claims 23 and 25-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "the p-channel device" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "the doped region" and "the junction region" in lines 1 and 4, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 27 recites the limitation "the doped region" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claims 26 and 28-29 are rejected due to their dependency on claims 25 and 27, respectively.

***Claim Rejections - 35 USC § 102***

➤ The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

➤ Claim 20-23 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Waggoner et al. (US Patent No. 6,218,706 B1).

Regarding claim 20, Waggoner et al. teach a method of forming a device (see cols. 1-14) comprising the steps of: providing a performance circuit ( $T_1, T_2$ ); forming a protection circuit (D3); and coupling the protection circuit to the performance circuit (see Figure 8).

Regarding claim 21, Waggoner et al. teach that the performance circuit ( $T_1, T_2$ ) is a CMOS device (see Figure 8).

Regarding claims 22-23, Waggoner et al. teach coupling the protection circuit (e.g. diode D3) to a p-channel device ( $T_2$ ) of the CMOS (see Figure 8).

Regarding claims 27-29, Waggoner et al. teach forming a unit transistor ( $T_1, T_2$ ).

***Claim Rejections - 35 USC § 103***

➤ The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

➤ Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waggoner et al. (US Patent No. 6,218,706 B1) in view of Yamaguchi et al. (US Patent No. 6,274,908 B1).

Regarding claims 24-26, Waggoner et al. does not teach forming a unit diode. However, Yamaguchi et al. teach that is well known in the art to form a unit diode comprised of a block of a first doped region (9C) in a well substrate (10B) having a first concentration of a second dopant, a third doped region (10C) having a second concentration of the second dopant, a junction region (pn junction), and a contact (12B, 12D) (see Figure 11). Furthermore, Yamaguchi et al. teach forming a plurality of unit diodes (see Figure 11). Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify Waggoner et al. to include the step of forming at least a unit diode. The ordinary artisan would have been motivated to modify Waggoner et al. in the manner described above for at least the purpose of improving ESD resistance.

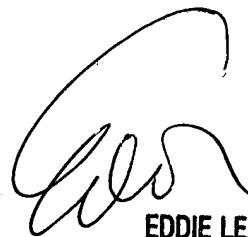
***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José R. Díaz whose telephone number is (703) 308-6078. The examiner can normally be reached on 8:00 - 5:00 Monday through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie C. Lee can be reached on (703) 308-1690. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JRD  
November 5, 2001



EDDIE LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800